

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TONY VALDEZ GOMEZ,

Petitioner,

VS.

WILLIAM STEPHENS,

Defendant.

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CIVIL ACTION NO. 3:13-CV-423

**ORDER**

Tony Valdez Gomez (TDCJ #638329), an inmate of the Texas Department of Criminal Justice - Correctional Institutions Division, filed a complaint against the Texas Board of Pardons and Paroles (Parole Board). Gomez seeks monetary damages against the Parole Board; therefore, the case will be considered filed pursuant to 42 U.S.C. § 1983. Gomez' complaint will be dismissed because it is frivolous and because he is barred from filing new complaints.

Gomez has a history of filing prisoner civil rights complaints; at least four of them have been dismissed as frivolous. *See Gomez v. Unknown Defendant*, No. SA-04-CA-006-OG (W.D. Tex. Jan. 14, 2004) (citing *Gomez v. Johnson*, No. 3:99-CA-1199 (N.D. Tex. Jul. 26, 1999)); *Gomez v. TDCJ-ID*, No. 1:00-CA-103 (E.D. Tex. Tex. Mar. 30, 2000)); *Gomez v. Johnson*, No. H-01-1325 (S.D. Tex. Mar. 30, 2000); *Gomez v. U.S. District Court for the Southern District of Texas*, No. SA-01-CA-342-OG (W.D. Tex. May 28, 2002). Gomez has also been sanctioned by the

United States District Court for the Western District of Texas for filing abusive, threatening statements. *Id.* (citing *Gomez v. Barnhart*, No. 5:02-CA-329-OG (W.D. Tex. May 28, 2002)). Gomez is barred from filing any further documents in that court until he has paid a \$200.00 sanction and has apologized to that court. As of this date, the records do not indicate that he has either paid the sanction or apologized.

Under the Prison Litigation Reform Act (PLRA) of 1995, barring a showing of imminent danger, a prisoner may not file an action without prepayment of the filing fee if he has, on three or more prior occasions, filed a prisoner action in federal court which was dismissed because it was frivolous, malicious, or failed to state a claim upon which relief could be granted. 28 U.S.C. §1915(g); *Adepegba v. Hammons*, 103 F.3d 383, 385 (5<sup>th</sup> Cir. 1996). Gomez has more than three frivolous dismissals, and there are no indications that he is in any real danger.

For the foregoing reasons:

1. The Clerk shall amend the style of this case as being filed as a civil rights action pursuant to 42 U.S.C. § 1983.
2. This complaint is **DISMISSED** with prejudice as frivolous under 28 U.S.C. §1915(e) and because the complaint was filed in violation of court orders and the provisions of 28 U.S.C. §1915(g).
3. Gomez is **BARRED** from filing any complaint or petition in this division without prepayment of the filing fee unless the pleadings are accompanied by proof that all of the sanctions assessed against him have been satisfied and he has received advanced written permission to file from a United States District Judge or from a Judge of the

United States Court of Appeals. Any pleadings filed contrary to this order may result in further sanctions, including additional monetary penalties.

4. The Clerk shall accept no documents or correspondence received from Gomez in violation of this Order and will return to Gomez any such documents mailed or delivered to the Court.
5. **The Clerk will provide a copy of this order by regular mail, facsimile transmission, or e-mail to: (1) the TDCJ - Office of the General Counsel, P.O. Box 13084, Austin, Texas, 78711, Fax Number (512) 936-2159; (2) the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, fax: 936-437-4793; and (3) the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas, 75702, Attention: Manager of the Three-Strikes List.**

It is so **ORDERED**.

SIGNED this 20th day of November, 2013.

A handwritten signature in cursive script, reading "Gregg Costa", is written over a horizontal line.

Gregg Costa  
United States District Judge